



Missouri Department of Natural Resources

Clean Water Commission Water Protection Program

Meeting by Conference Call

March 26, 2004

MISSOURI CLEAN WATER COMMISSION TELECONFERENCE MEETING

March 26, 2004

Jefferson State Office Building, 9th Floor Conference Room
205 Jefferson St., Jefferson City, Missouri

MINUTES

Present Via Telephone

Thomas A. Herrmann, Chairman, Missouri Clean Water Commission
Davis D. Minton, Vice-Chairman, Missouri Clean Water Commission
William A. Easley, Commissioner, Missouri Clean Water Commission
Cosette D. Kelly, Commissioner, Missouri Clean Water Commission
Kristin M. Perry, Commissioner, Missouri Clean Water Commission
Paul E. Hauser, Commissioner, Missouri Clean Water Commission

Dorris Bender, City of Independence, Independence, Missouri
Robert Brundage, Newman, Comley & Ruth, Jefferson City, Missouri
Jack Dutra, Syngenta, Overland Park, Kansas
Hans Holmberg, Limno Tech., Hudson, Wisconsin
Robert Hentges, MO Public Utility Alliance, Jefferson City, Missouri
John Lodderhose, MSD, St. Louis, Missouri
Randy Lyman, City of Springfield, Springfield, Missouri
Jim Mellem, City of Kansas City, Kansas City, Missouri
Kevin Perry, REGFORM, Jefferson City, Missouri
John Reece, Little Blue Valley Sewer District, Independence, Missouri
Bob Schaefer, City of Springfield, Springfield, Missouri
Trent Stober, Midwest Environmental Consultants, Columbia, Missouri
Royan Teter, EPA Region VII, Kansas City, Missouri
Bob Veenstra, URS Corporation/St. Louis RCGA, St. Louis, Missouri

Present

Aimee Davenport, Department of Natural Resources, Jefferson City, Missouri
John Ford, Department of Natural Resources, Jefferson City, Missouri
Jim Hull, Department of Natural Resources, Jefferson City, Missouri
Marlene Kirchner, Department of Natural Resources, Jefferson City, Missouri
Kevin Mohammadi, Department of Natural Resources, Jefferson City, Missouri
Amy Randles, Attorney General's Office, Jefferson City, Missouri
Phil Schroeder, Department of Natural Resources, Jefferson City, Missouri
Becky Shannon, Department of Natural Resources, Jefferson City, Missouri

Chairman Herrmann called the meeting to order at approximately 2:30 p.m.

303(d) Listing Methodology Rule

Mr. Jim Hull, Director of Staff, explained the Commission voted to reject the listing methodology document at the March 10, 2004 Clean Water Commission meeting. The

net effect of rejecting the proposed methodology and requiring it to be public noticed again is that the proposed methodology rule will not be able to be filed in time with the Joint Committee on Administrative Rules and the Secretary of State. The close of the public comment period on the proposed methodology rule was February 11, 2004. There are 60 days from the close of the public comment period to file the rule with the Joint Committee on Administrative Rules, which would be April 11th. The rule must be filed with the Secretary of State's Office by May 11th.

It is recommended that the Commission reconsider the decision made at the March 10th meeting and direct the department to work with interested stakeholders to reach a consensus on what the final rule language should be and to bring it back to the Commission for possible approval prior to April 11th. In anticipation of the Commission approving this recommendation, a stakeholder meeting has been scheduled for April 1, 2004. A conference call has been scheduled for April 5th for the Commission to consider approval of the revised rule.

Commissioner Minton explained he would like to see an expedited process come to a consensus on the proposed rule.

Ms. Amy Randles, from the Attorney General's Office, explained if changes are made to the language in the rule, the changes need to be based upon the comments that were made during the public comment period. Ms. Randles stated the Commissioners can continue to discuss this issue with anyone.

Commissioner Minton made a motion to rescind the vote from the March 10 Clean Water Commission meeting, where the Commission decided to reject the listing methodology document and restart public notice and stakeholder procedures. Commissioner Easley seconded the motion. The motion passed unanimously.

Commissioner Minton made a motion to table the issue of whether to accept or reject the proposed rule on 303(d) listing methodology, to allow the department to obtain more stakeholder input on revisions to the language of the proposed rule before the final action is taken. Commissioner Hauser seconded the motion. The motion passed unanimously.

Commissioner Kelly expressed that her vote does not mean that she approves of the plan.

Use Attainability Analysis (UAA)

Chairman Herrmann stated that he would like for the department to contact the Kansas Department of Health and the Environment to look at the procedures for doing UAA's. Look to see if it's feasible for Missouri to adopt similar procedures and report back to the Clean Water Commission at it's next scheduled meeting on April 28.

Chairman Herrmann made a motion for the department to research procedures for doing UAA's and to report back the to Commission on April 28. Commissioner Hauser seconded the motion. The motion passed unanimously.

Chairman Herrmann declared the meeting adjourned.

Respectfully submitted,

Jim Hull
Director of Staff